

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION

BMO HARRIS BANK NA

PLAINTIFF

v.

No. 3:19-cv-31-DPM

RICHARD LONG; and JUDY LONG

DEFENDANTS

ORDER

1. Hog Wild Logistics, LLC entered into nine security and loan agreements with a lender between May 2013 to December 2015 to secure financing for trailers and trucks. It also executed three vehicle lease agreements. *No 1 at 4-5.* In December 2014, Richard Long signed a personal guaranty of the agreements; his wife Judy did the same in February 2017. Along the way, BMO Harris Bank stepped into the original lender's shoes. Hog Wild defaulted in November 2018 and has since failed to make monthly payments. It owes \$739,842.00. BMO Harris demanded payment from the Longs, but neither paid, so the Bank sued them both. It made good service on Richard in March 2019. *No 10-2.* Now BMO Harris has moved for a default judgment against him.

2. BMO Harris's motion for a default judgment, *No 12*, is partly granted and partly denied without prejudice. FED. R. CIV. P. 55(b)(2). The Clerk has entered a default against Richard. *No 11.* BMO Harris's complaint, along with the exhibits and affidavits, show that the Bank is

entitled to judgment on Richard's liability. *No 1 at 7; No 12-1 at 6.* But BMO Harris should take possession of the listed collateral and sell it. The Court declines to enter both an order of possession and a full money judgment at this point. After the sale, the Bank should move for a deficiency judgment, including collection expenses and a reasonable attorney's fee.

The Court therefore orders Richard Long to surrender the collateral to BMO Harris immediately. The Bank is entitled to repossess:

- a 2014 Hyundai trailer with VIN #3H3V532CXET202079; and
- a 2014 Hyundai trailer with VIN #3H3V532C6ET202063.

3. BMO Harris's claims against Judy Long are dismissed without prejudice for lack of service. FED. R. CIV. P. 4(m).

4. Report on sale, and renewed motion for judgment, due by 15 October 2019.

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

15 July 2019